

**BOROUGH OF COLLINGSWOOD,
COUNTY OF CAMDEN, STATE OF NEW JERSEY**

ORDINANCE NO. 1669

**SUBJECT: AN ORDINANCE BANNING THE USE OF SINGLE-USE PLASTIC BAGS
IN THE BOROUGH OF COLLINGSWOOD**

Purpose: The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use plastic bags by Retail Establishments and Retail Stores in the Borough of Collingswood. The regulations are intended to assist the Borough in reducing its carbon footprint by promoting products that will protect the environment, wildlife, and the public health and welfare and safety of the community.

The ordinance shall begin with voluntary participation effective October 15, 2019 and continuing through April 15, 2020 at which time all provisions of this ordinance shall be mandatory.

WHEREAS, the Commissioners of the Borough of Collingswood are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare of the Borough and its residents; and

WHEREAS, the Commissioners have been presented with verifiable information regarding single use plastic bags within the Borough and beyond its borders including the following widely reported statistics:

- (a) on average, one person uses 500 single-use disposable bags per year, four billion single-use shopping bags are used annually in New Jersey, and 102 billion are used nationwide;
- (b) one bag is used on average for 20 minutes before it is disposed of;
- (c) it takes approximately 1,000 years for a plastic bag to decompose;
- (d) only about 1% of plastic bags are recycled;
- (e) eighty percent of the plastic and trash that finds its way into our oceans comes from the land;
- (f) twelve million barrels of oil are used annually to make the plastic bags that Americans use, emitting 4.8 million metric tons of CO₂ into our atmosphere and contributing to global warming and climate change.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Borough of Collingswood, County of Camden, State of New Jersey that the following ordinance shall be added
1669 BAN ON SINGLE USE PLASTICS

to the Borough Code:

DEFINITIONS: The following definitions shall apply to this Ordinance.

Retail Establishment or Retail Store. Any retail establishment or retail store shall mean any commercial enterprise, whether or not operated for-profit, including, but not limited to, mercantile establishments, department stores, food service establishments, restaurants, pharmacies, convenience and grocery stores, supermarkets, clothing stores, seasonal and temporary businesses, special event vendors, farmers' market vendors, jewelry stores, and stores which sell household goods, or any other commercial establishment not specifically identified herein, which may utilize single-use plastic bags for the conveyance of merchandise by its customers in the Borough of Collingswood.

Goods and Products. Items that are prepared and/or made to be sold, including, but not limited to, clothing, food and groceries, prepared foods, beverages, merchandise, books, jewelry, tobacco products, toys, furnishings, novelty items, and any and all other things and items sold at Retail Establishments or stores.

Produce Bag or Product Bag. Any bag without handles that is used exclusively to segregate produce, meats, other food items, and merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items, where such contact could damage or contaminate other food or merchandise when placed together in a reusable or recycled bag.

Recyclable Paper Carryout Bag. A paper bag that meets all of the following requirements: (1) contains no old-growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of American Society of Testing and Materials (ASTM) Standard 06400; (4) is accepted for recycling in curbside programs in the Borough; (5) has printed on the bag the name of the manufacturer, the location where the bag was manufactured, and the percentage of post-consumer recycled material used; and (6) displays the word "Recyclable" in a visible manner on the outside of the bag.

Retail. The sale of goods and products for use and/or consumption.

Reusable Bag. A bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, is at least 2.25 mil thick if made from plastic, has a minimum lifetime of 75 uses, and is capable of carrying a minimum of 18 pounds.

Single-Use, Plastic Carryout Bag. A bag, sheet or receptacle produced or manufactured from a material commonly known as "plastic" or "polyethylene" provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting goods or products out of the establishment. The term single-use, plastic carryout bag does not include reusable bags or garment bags (see other exemptions under "Exemptions" section).

PROHIBITION ON THE USE OF SINGLE-USE, PLASTIC CARRYOUT BAGS

No Retail Establishments or Retail Stores shall provide or offer to any customer Single-Use, Plastic Carryout Bags at the check stand, cash register, or point of sale, as otherwise provided in this Ordinance. This prohibition shall become effective on April 15, 2020. Until such time, beginning on October 15, 2019, Retail Establishments and Retail Stores shall be encouraged to implement the provision of this Ordinance on a voluntary basis the owners and operators of such establishments and stores will be solicited and notified by representatives of the Borough in cooperation with Sustainable Collingswood ("Collingswood Green Team") of the requirements of this Ordinance. The Borough shall track progress and coordinate with the Green Team to provide Retail Establishments and Retail Stores with technical assistance and advise of best practices to implement alternatives to plastic bags.

EXEMPTIONS. The following exemptions shall apply to the requirements of this Ordinance:

1. Produce or Product Bags provided by operators and used by consumers inside Retail Establishments to:
 - a. Contain or wrap frozen foods, meat, or fish, whether packaged or not;
 - b. Contain or wrap flowers, potted plants, or other items where dampness may be an issue;
 - c. Contain unwrapped prepared foods or bakery goods;
 - d. Contain unpackaged bulk produce such as fruit, vegetables, herbs or flavors; or
 - e. Contain refrigerated butchered meat and fish.
 - f. Bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable grocery bag.
 - g. A bag other than a single-use plastic bag at point of sale as defined in the definitions section of this Ordinance that is designed specifically for food and customer safety (prepared foods for delivery or off premise consumption).
2. Newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, bags provided by a pharmacy to a customer purchasing a prescription medication, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.

PERMITTED

Retail Establishments and Retail Stores shall also satisfy the requirements of this Ordinance by providing the following alternatives to Single Use Plastic Carryout Bags to their Customers.

1. ALTERNATIVE CARRYOUT BAGS

- a. All Retail Establishments and Retail Stores may provide customers with reusable

bags and/or recyclable paper bags as defined in this Ordinance as an alternative to Single-Use Plastic Carryout Bags. Retail Establishments are **required to charge a minimum fee of \$.10** to customers for Reusable Bags or Recyclable Paper Carryout Bags that meet the requirements in this Ordinance.

- b. A Retail Establishment or Retail Store may choose, in its discretion, to provide a credit to customers that choose to bring their own bags.
- c. A Retail Establishment or Retail Store may sell Reusable Bags for an amount determined by the Retail Establishment or Retail Store.
- d. Each Retail Establishment and Retail Store are strongly encouraged to educate its staff to promote the use of Reusable Bags, and to post signs encouraging customers to bring their own Reusable Bags.

VIOLATIONS AND PENALTIES

Violations of the provisions of this ordinance shall be subject to the following requirements and penalties:

- 1. A duly designated representative of the Borough of Collingswood shall have the responsibility for enforcement of this Ordinance and may if considered to be necessary in the implementation of this Ordinance, promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and imposing penalties.
- 2. Any Retail Establishment or Retail Store that violates or fails to comply with any of the requirements of this Ordinance after an initial written warning notice has been issued for that violation shall be liable for infraction violation.

If a Retail Establishment or store has subsequent violations of this Ordinance after the issuance of an initial written warning of a violation, the following penalties will be imposed and shall be payable by the operator of the retail establishment or store:

- a. A fine not exceeding \$150 for the first violation after a written warning; and
- b. A fine not exceeding \$250 for the second violation after the written warning; and
- c. A fine not exceeding \$500 for the third and any subsequent violations after the written warning.

TEMPORARY EXEMPTION REQUESTS

Any Retail Establishment or Retail Store may apply in writing to the Borough's designated representative for a temporary exemption from the requirements of this Ordinance, due to demonstrated hardship in implementing this Ordinance within the time period set forth herein.

- 1. Exemption decisions are effective upon Borough approval shall be considered to be final, and they are not appealable except as otherwise provided for by law. The Borough's designated representative may also impose conditions upon approval of any temporary exemption request.
- 2. A fee of \$50 shall be required for all exemption requests.
- 3. Temporary exemptions may be granted for a period not to exceed 6 months.

NO CONFLICT WITH FEDERAL OR STATE LAW

Nothing in this Ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.

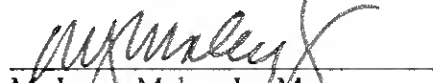
REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

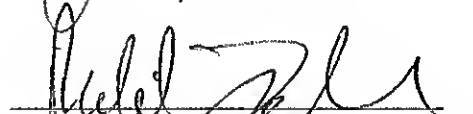
SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Borough of Collingswood


M. James Maley, Jr., Mayor


Joan Leonard, Commissioner


Robert Lewandowski, Commissioner


K. Holly Mannel, Borough Clerk

ADOPTED: 10/7/2019